

EXHIBIT 5

IN THE UNITED STATES DISTRICT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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THE ESTATE OF NAJEE ALI BAKER, by and through  
his Ancillary Administrator, Jemel Ali Dixon,

Plaintiff,

vs. Case No. 1:19-cv-00477-CCE-LPA

WAKE FOREST UNIVERSITY, et al.,

Defendants.

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Deposition of:

DEAN ADAM GOLDSTEIN, Ph.D.

(Appearing Remotely Via Zoom)

January 15, 2021

9:35 a.m.

Taken at:

3741 Ashland Drive
Maiden, North Carolina

Joyce Lynn Shannon, RPR

1 know that we have organizations that have
2 dances without alcohol present that are not
3 without other things that you might associate
4 with a student party.

5 Q. What do you mean by that?

6 A. Typically when they're -- I mean
7 that events that may be sponsored by a student
8 organization either off campus or without the
9 university's knowledge that may involve
10 alcohol.

11 Q. During your time at Florida State,
12 did Florida State make any on-campus venues
13 available to host parties in which non-Florida
14 State students were allowed to attend?

15 A. I don't recall. I did not oversee
16 that office that worked with student
17 organizations to control venues.

18 Q. During your time at Florida State,
19 did you have any role in helping to develop
20 event management or security plans for
21 on-campus events involving student
22 organizations?

23 A. The only involvement that I would
24 have had would be to have supported the Office
25 of Fraternity and Sorority Life in their work

1 with students in training around their events,
2 their activities.

3 Q. What type of support did you
4 provide?

5 A. It was not uncommon for me to be
6 invited as a speaker at the trainings to talk
7 about the roles and responsibilities of student
8 leaders, to talk about issues that are of
9 concern, like hazing, to provide a training on
10 hazing, to talk to groups around ethical
11 decision making or other topical issues.

12 It was not uncommon for me to talk
13 about the care that we hope our students will
14 be -- that we want our students to be
15 displaying towards each other, towards their
16 guests, to get help and about helping resources
17 on campus, like counseling, other support
18 resources.

19 Q. During your time at Florida State
20 University, did you have a role in developing
21 event management or security plans for
22 on-campus events where there would be Police
23 present to help provide security for the
24 events?

25 A. No.

1 A. Chief Lawson. I believe Sergeant
2 Fisher. I don't recall. I believe there were
3 other Police Officers, I just don't recall the
4 composition.

5 Q. How long did you serve on the
6 committee?

7 A. We met as a formal committee into
8 the fall semester. At a certain point we
9 stopped meeting as a committee, but still
10 coordinated very closely, given the different
11 members that had been in the different offices,
12 the different offices that had been involved.

13 Q. During the time on the committee,
14 did you develop new large event venue policies
15 that were put into place?

16 A. During my time on the committee, it
17 became clear that we needed to evaluate the
18 events themselves and what was happening at
19 those events so that we could do what I was
20 asked to do, which was work with students and
21 the Police to develop a practice that worked
22 and kept people safe.

23 Q. And did you end up developing a new
24 policy for large event venues at Wake Forest?

25 A. It evolved with time. And by that

1 I mean, we added certain features that were not
2 previously used, like electronic ticketing
3 services.

4 We started meeting with groups --
5 had a requirement that groups attend an event
6 planning meeting to develop an Event Management
7 Plan that would be reviewed by law enforcement
8 to determine how many Officers needed to be
9 present.

10 We started working with event
11 security, specifically the security that was
12 working our large athletic facilities.

13 And we hired a new student employee
14 position -- created a new student employee
15 position called Event Resource Managers for
16 the -- yeah.

17 So those were things that developed
18 with time as we moved through the semester and
19 even into the spring semester.

20 Q. And you're saying "through the
21 semester."

22 Can you just remind us of the time
23 frame you're referring to?

24 A. The semester began late August and
25 concluded before the holiday break, after

1 Thanksgiving.

2 Q. So this is August, 2014, through
3 the spring of 2015?

4 A. Yes.

5 Q. Okay. And by the spring of 2015,
6 was a new Large Event Management Policy in
7 place?

8 A. Yes. It was still evolving. We
9 met -- as I shared, the student groups met with
10 staff in the new Student Engagement Office to
11 do the event planning meetings. They met with
12 everyone that -- we had a pre-event meeting,
13 which would include security, student group
14 hosts, Police, student Event Resource Managers.
15 And then after an event we would
16 schedule debriefs to understand what worked and
17 what didn't work, and what helped us further
18 evolve our practice.

19 Q. And by the spring of 2015, had
20 there been changes in the policy that affected
21 the number of Law Enforcement Officers who
22 would work Barn events?

23 A. I can't remember the exact timing,
24 but the number of Law Enforcement Officers
25 gradually decreased, yes.

1 MR. KING: Objection.

2 A. There were 16 Officers at the first
3 event that I personally attended at The Barn
4 early in the fall semester. And ultimately, as
5 we settled into practice -- ultimately we had
6 one Officer that was always at the facility and
7 nearby in case support was needed.

8 Q. And ultimately the one Police
9 Officer at The Barn event, pursuant to the
10 policy that was developed, was not stationed
11 inside The Barn; is that right?

12 A. So as students and guests were
13 arriving, they were outside the entrance of
14 The Barn. They would often come inside during
15 an event. We had frequent touch base points
16 with event security, the professional event
17 security and the student hosts and the ERMs.
18 So it wasn't a static position, but we wanted
19 to make sure that they were nearby just in case
20 there was ever any need for their assistance.

21 Q. Now the event you attended where
22 there were 16 Police Officers present, were
23 some of the Officers stationed inside The Barn?

24 A. Yes.

25 Q. During the event?

1 A. I can't recall. I believe that
2 they were inside The Barn. They were -- there
3 were three, different checkpoints for attendees
4 that had to stop and show their ID to get
5 further in, closer to the event.

6 Q. And is it true that under the new
7 policy that was developed, that was reduced to
8 one, single checkpoint?

9 A. No. No. Honestly, we created a
10 checkpoint for -- there was a line for
11 people -- if we still had tickets left to sell,
12 that people could purchase tickets. And then
13 we had a checkpoint for people that had
14 purchased tickets, to show their ID and get a
15 wristband to go into the event.

16 Q. During your time on the committee,
17 while you were evaluating various
18 recommendations for potential policy changes,
19 did you ask for a history of prior incidents
20 that had occurred at The Barn?

21 A. I had -- yes. I mean, not at
22 the -- I mean, I asked. I specifically asked
23 were there any weapons, were there -- and was
24 there any reason to believe that weapons would
25 be present. I knew that there were

1 altercations. And I knew that there were other
2 issues with managing the capacity of The Barn
3 and gym. Our NPHC, our African-American
4 fraternities that were using those facilities
5 for social functions are typically much smaller
6 than an Intra-Fraternity Council fraternity,
7 and they often didn't have the number of
8 members that they needed to secure a venue or
9 to make sure that people weren't getting in.

10 And The Barn had a back door. It
11 had a side entrance for catering. Those were
12 things that as we drilled down and tried to
13 understand the role of the host student
14 organization, the roles that ERM staff could
15 play to support an event and the group, and the
16 role of security, that helped us with the
17 management of the issues that had been
18 happening.

19 Q. Did you ask for a report or a list
20 of prior incidents at The Barn for events
21 hosted by NPHCs that involved fights or
22 physical altercations?

23 A. I don't recall. I may have. I
24 don't recall.

25 Q. Did you interview any of the Police

1 Officers who had previously worked at The Barn
2 to ask for their assessment on the security and
3 staffing needs of The Barn?

4 A. I had a lot of conversations. I
5 don't know that they would be considered
6 interviews. But Regina Lawson and I worked
7 very closely together.

8 Q. Apart from Regina Lawson, did you
9 have any conversations with Wake Forest
10 Police Department Police or Security Officers
11 who had worked Barn events prior to your
12 arrival?

13 A. I don't recall.

14 Q. Were you ever made aware that prior
15 to your arrival at Wake Forest, Winston-Salem
16 Police Department would provide staffing for
17 Barn events?

18 A. No, I was not. I'm not aware of
19 that.

20 Q. Were you made aware that on
21 occasion Winston-Salem Police Department
22 Officers would moonlight or contract to work
23 Barn events?

24 A. No, I didn't know. You'd have to
25 ask Chief Lawson that question about who was

1 information provided by the Police. This was
2 not -- no, I didn't verify it.

3 Q. When you sent Mr. Williams this
4 e-mail, was it your understanding that the
5 information you were providing him was
6 accurate?

7 A. Yes.

8 Q. Okay. So, in other words, you
9 didn't put any information in here that you
10 knew was false or that you intended to deceive
11 anyone?

12 A. No.

13 Q. Okay. In your e-mail, there's two
14 bullet points.

15 I want to talk about those, okay?

16 A. Yes.

17 Q. In the first bullet point you
18 write, and I'm going to paraphrase a little
19 bit, "My staff," and then "assumed
20 responsibility for student organization event
21 planning and management after my arrival."

22 Do you see where I'm reading?

23 A. Yes.

24 Q. And that statement you made in your
25 e-mail, is that a true statement?

1 A. We were responsible for certainly
2 student organization event planning.
3 Management was always a shared responsibility.
4 But we became responsible for helping to shape
5 and develop protocols around event management
6 for student group events.

7 Q. And it was your view when you wrote
8 this e-mail that that was a shift in
9 responsibility, in other words, after your
10 arrival it was your office and staff who had
11 assumed that responsibility, right?

12 A. Yes, for working with student
13 groups, yeah.

14 Q. And at the time you wrote this
15 e-mail, was it accurate that through your
16 office's work you had reduced the presence of
17 Police at NPHC events from 16 Officers to one?

18 A. -- no, that wouldn't be a fully
19 accurate statement.

20 Q. In what way wouldn't it be
21 accurate?

22 A. That we did ask Police to focus on
23 safety and security, and that that resulted in
24 the reduction. And I say we are successful
25 there. And I'll just say to you that I

1 certainly wanted to see a reduction, but I'm
2 not sure why I characterized it in that way.

3 Q. Okay. Leaving apart the word
4 "successful," at the time you wrote this
5 e-mail, your office had, in fact, reduced the
6 presence of Police at NPHC events from 16
7 Officers to one?

8 A. That's the part -- no, my office
9 did not do that. I certainly had conversations
10 with Chief Lawson, but ultimately the number of
11 Officers and security present at an event was
12 Chief Lawson's and the Police's decision.

13 Q. Okay. Let me ask a separate, but
14 related question.

15 Was it true that at the time you
16 wrote in the e-mail that the presence of Police
17 at NPHC events had been reduced from 16
18 Officers to one?

19 A. That's what the document says,
20 so --

21 Q. So is that a yes?

22 A. I think the document speaks for
23 itself.

24 Q. Well, I'm not asking for what the
25 document says.

1 I'm asking if it were true at the
2 time you wrote in the e-mail that the presence
3 of the Police at NPHC events had been reduced
4 from 16 Officers to one.

5 A. Yes, at NPHC events, the number of
6 Officers reduced to one.

7 Q. And the term "NPHC events," that's
8 synonymous with Barn events, right?

9 MR. KING: Objection.

10 A. No. "NPHC" refers to our
11 African-American fraternities and sororities.

12 Q. Well, in this e-mail when you write
13 "NPHC events," are you referring to any other
14 events other than events hosted by NPHC at
15 The Barn?

16 A. No.

17 Q. So the reduction that you describe
18 in your e-mail relates to Barn events hosted by
19 NPHC groups?

20 A. Yes.

21 Q. How was the decision made to reduce
22 the number of Officers for Barn events from 16
23 to one?

24 A. You'd have to ask Chief Lawson that
25 question.

1 Q. Why would I have to ask Chief
2 Lawson that question?

3 A. The Police were responsible for
4 determining how many Officers needed to be
5 present at different events on campus.

6 Q. So the Police were responsible in
7 making the decision to reduce the number of
8 Officers at Barn events from 16 to one?

9 A. Again, you'd have to talk to Chief
10 Lawson.

11 Q. Well, I'm asking because I'm
12 interested in whether your office had any role
13 in the decision to reduce the number of
14 Officers at Barn events from 16 to one.

15 A. The role my office had was in
16 managing the events and making changes to how
17 we were managing events. Ultimately that
18 resulted in an Event Management Plan that was
19 given to the Police to evaluate and determine
20 how many Officers were present.

21 Q. And at the time you wrote this
22 e-mail to Mr. Williams, had the Police
23 evaluated and approved an Event Management Plan
24 that reduced the presence of the Police at Barn
25 events from 16 Officers to one?

1 A. Yes.

2 Q. In your second bullet point you
3 discuss the changes that were made that
4 "enabled us to remove Police from event
5 management responsibilities."

6 Do you see that bullet point?

7 A. Is there a number you're referring
8 to?

9 Q. So in that same e-mail there's two
10 bullet points, right?

11 A. Yes.

12 Q. You're looking at the first one.
13 I'm looking at the second one. The second one
14 reads, "The changes we made that enabled us to
15 remove Police from event responsibilities are,"
16 with six items; do you see that?

17 A. Yes. Thank you.

18 Q. Is that a full and complete list of
19 the changes that were made to remove Police
20 from event management responsibilities?

21 MR. KING: Objection.

22 A. No. That is the list of
23 initiatives that my office put in place for
24 event management to support the management of
25 student organization events. And it's not a

1 complete list.

2 Q. What's missing from that list?

3 A. Electronic ticketing.

4 Q. Is there anything else that's
5 missing from that list?

6 A. Regarding the initiatives of my
7 office, no.

8 Q. Okay. And if we include electronic
9 ticketing to the list of initiatives here, is
10 that a complete list of initiatives of your
11 office that "enabled us to remove Police from
12 event management responsibilities"?

13 MR. KING: Objection.

14 A. My office didn't remove Police. My
15 office developed resources for managing events.

16 Q. And you yet you used the phrase
17 "removed the Police from event management
18 responsibilities" in your e-mail, right?

19 A. Yes. I did. And that's poor
20 wording on my part.

21 Q. And when you engaged in that poor
22 wording, you understood that it potentially
23 could be made available for public consumption,
24 right?

25 MR. KING: Objection.

1 A. Yes.

2 Q. And did you regard the report as an
3 important document you were working on?

4 A. Yes.

5 Q. And did you discuss the language
6 that I just read to you with other members of
7 the subgroup that were evaluating the Moss
8 recommendations as to event management
9 practices?

10 A. We had discussion. I don't know
11 that I discussed this specific language. There
12 was significant distrust with our Police and
13 their handling of our African-American
14 students, and the large presence at our student
15 group events was not easing tension.

16 Q. Did anyone on the Accountability
17 Task Force or the subgroup you were working on
18 raise concerns that the following sentence was
19 inaccurate -- I just want to read the
20 sentence -- "The committee believed that
21 pursuing recommendations in the Moss Report
22 would increase Law Enforcement Officer staff
23 and use of undesired crowd control techniques
24 at student-sponsored events."

25 A. Well, this is the part that I'm

1 disagreeing with as I look back at my writing.

2 Q. Okay.

3 A. The Williams Moss Report
4 recommended that we review our large event
5 venue guidelines, which we did. It also
6 recommended that we institute equitable
7 practices, which we did. So I may have been
8 reacting, looking back to the climate at the
9 time that I was writing this report, but I
10 don't -- I just don't agree with the statement
11 that I made back then.

12 Q. Okay. Now, when you say you did
13 introduce equitable practices for event
14 management, are you referring to equitable
15 practices between Barn events and lounge
16 events?

17 A. It took us a long time to get, but
18 yes.

19 Q. You would agree, right, that one of
20 the ways that you reached those equitable
21 practices was to reduce Police presence at
22 The Barn, rather than increase Police presence
23 at lounge events?

24 A. I wanted to increase Police
25 presence at lounge events.

1 Q. Would you agree that one of the
2 ways you achieved equity between lounge events
3 and Barn events was reducing Police presence at
4 Barn events?

5 A. No. We were evaluating both lounge
6 events and Barn events, and the specific
7 facilities, the nature of the events, and
8 making decisions based on events that were
9 planned and our experience at managing those
10 events with students.

11 And the way that we got there was
12 in large part through the event planning
13 meetings, the pre-event meetings and the use of
14 electronic ticketing and the ERM program.

15 Q. But you're not disagreeing with me,
16 are you, that the university also significantly
17 reduced the Police presence at Barn events?

18 A. The Police presence at Barn events
19 was reduced.

20 Q. And you're not disagreeing with me,
21 are you, that prior to the implementation of
22 the new Barn protocols, Barn events were
23 heavily policed, whereas afterwards they were
24 only staffed with one Police Officer?

25 A. At the point of my arrival --

1 MR. KING: Objection.

2 A. -- there were a lot of Police
3 Officers present at The Barn. As we worked
4 with event practices, the number decreased.

5 Q. You said you wanted to increase
6 Police presence at lounge events.

7 Did that ever happen?

8 A. We increased the presence where
9 lounge parties were at, yes.

10 Q. And did you increase Law
11 Enforcement Officer staffing for lounge events?

12 A. In the same way that a Law
13 Enforcement Officer was around The Barn, and
14 they if we needed -- if the event hosts or the
15 ERMs needed assistance, there were Police in
16 the area where lounge parties were held.

17 Q. In the area, but not inside the
18 lounge parties themselves?

19 A. Correct.

20 Q. Police, like with Barn parties, for
21 lounge parties were placed in a reactive,
22 rather than proactive position?

23 MR. KING: Objection.

24 A. They were present.

25 Q. You can answer.

1 A. They were present if there was a
2 safety concern.

3 Q. I want you to look back at that
4 same paragraph in the report, if you would.
5 The following sentence I read to you, it says,
6 "It was determined that this approach would not
7 ease tension or reduce risk of harm, physical,
8 emotional, financial and reputational in the
9 community."

10 Do you see that?

11 A. Yes.

12 Q. Did the subgroup or committee you
13 were on reach a determination that following
14 the Moss Report recommendations as to event
15 management would not ease tension or reduce
16 risk of harm in the committee?

17 A. Again, I made this statement in
18 error. I'm looking back at this. The Moss
19 Report did not recommend reducing Police
20 presence. They recommended evaluating event
21 management guidelines and instituting equitable
22 practices.

23 Q. So when Wake Forest decided to
24 reduce Police presence at The Barn, it was your
25 understanding that that was not something that

1 the Moss Report had recommended doing?

2 MR. KING: Objection.

3 A. The Moss Report recommended
4 evaluating the practices, the large event venue
5 practices, and to institute equitable practices
6 across campus. And we did that.

7 Q. Well, I guess I'm struggling with,
8 then, the indication in this section of the
9 Task Force Report that the Task Force reached
10 the determination not to follow the Williams
11 Moss recommendations on event management
12 practices.

13 A. Yeah. Again, I'm looking at that
14 and believing that I mischaracterized that
15 section. I mischaracterized that decision, to
16 include that information. It just -- as I look
17 back, it doesn't really represent what -- I
18 didn't represent our situation well. And the
19 Williams Moss Report didn't evaluate event
20 management practices. It made recommendations
21 that we do that work, and we did.

22 Q. And no one on your subcommittee, as
23 far as you recall, told you that the way you
24 were representing things in the sentences I
25 just read was inaccurate?

1 A. No, I don't recall hearing that.

2 Q. And no one on the Task Force, the
3 greater Task Force, told you that they
4 disagreed with how you were representing things
5 in this section of the Task Force Report?

6 A. I don't recall hearing that.

7 Q. And it's your testimony that
8 Williams and Moss didn't make any
9 recommendations with regard to the level of
10 policing to be applied to lounge parties and
11 parties at The Barn?

12 MR. KING: Objection.

13 A. The Williams Moss Report was
14 evaluating our Police Department and whether or
15 not their practices were biased or prejudiced
16 against our students, specifically with our
17 African-American students. There were comments
18 and recommendations in the report about event
19 management practices. But they were not
20 commissioned to make recommendations about
21 levels -- or about event management practices.
22 They were still recommendations and comments.

23 Q. And I get that the recommendations
24 were just recommendations, but you're not
25 disagreeing, are you that the Moss Report

1 states, "We recommend that the administration
2 review this procedure to make sure that all
3 student events are policed in an equal manner"?

4 MR. KING: Objection. The document
5 says what it says.

6 Q. Did I get an answer, Dean
7 Goldstein?

8 A. The document does speak for itself.

9 Q. And I just want to make sure you
10 don't disagree with me that the document says
11 what it says.

12 A. The document speaks for itself.

13 Q. Okay.

14 MR. KING: Jonathon, when we get to
15 a point, let's take five minutes.

16 MR. FAZZOLA: I was going to say,
17 I'm almost done. Let's take five minutes.

18 MR. KING: Okay. Thanks.

19 (Recess taken.)

20 - - -

21 MR. FAZZOLA: I have a video I'm
22 going to be showing Dean Goldstein. I've
23 already introduced it as an Exhibit through
24 Exhibit Share, and I'm just showing the video
25 through screen share.

REPORTER'S CERTIFICATE

The State of Ohio,)

SS:

County of Cuyahoga.)

I, Joyce Lynn Shannon, RPR, a
Notary Public within and for the State of Ohio,
duly commissioned and qualified, do hereby
certify that the within named witness, DEAN
ADAM GOLDSTEIN, Ph.D., was by me first duly
sworn to testify the truth, the whole truth and
nothing but the truth in the cause aforesaid;
that the testimony then given by the
above-referenced witness was by me reduced to
stenotypy in the presence of said witness;
afterwards transcribed, and that the foregoing
is a true and correct transcription of the
testimony so given by the above-referenced
witness.

I do further certify that this
deposition was taken at the time and place in
the foregoing caption specified and was
completed without adjournment.

1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this 24th day of
8 January, 2021.

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11
12 
13

14 Joyce Lynn Shannon, RPR, Notary
15 Public within and for the State of
16 Ohio
17

18 My commission expires December 21, 2025.
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